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Catholic History in the British Isles

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RECUSANT HISTORY

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THE CATHOLIC RECORD SOCIETY PROSPECTIVE VOLUMES

The C.R.S. has in preparation a number of volumes designed to throw light on several parts of Catholic history since the Reformation. The fifty-first volume to be issued will be *The Wisbech Stirs (1595-1598)*, edited by Miss P. Renold. This brings together related documents from a number of sources including St. Paul's Cathedral Library, the Inner Temple, Westminster Cathedral Archives, and Stonyhurst College. This volume is in the press and will be issued to members in 1958.

Mr. Anthony G. Petti is editing a volume of letters and despatches from Richard Verstegan for the years 1590 to 1617. These were sent from the Low Countries to Father Persons, or to Roger Baynes, Cardinal Allen's secretary in Rome. They contain a store of information about English affairs, dealing with such matters as proceedings in Parliament, the activities of leading politicians, including William Cecil and Essex, the proceedings of the Puritans and Brownists, the persecution of Catholics with details of the martyrdoms of Southwell, Wells, Walpole and others, and they contain many references to the Catholic exiles in the Spanish Netherlands.

Father Anthony Kenny of the English College, Rome, is editing the *Responsa Alumnorum* of the College, the official record of the autobiographical statements made by the students on entering the College during the period 1598 to 1685. The volume contains 656 such statements.

Two volumes of the *Liber Ruber* of the English College, Rome, have already been published by the Society — Vols. 37 and 40. It is hoped to add a third volume containing those *Annual Letters* of the English Jesuits which form a section of the *Liber Ruber* not yet published. This volume will include a comprehensive index to the whole *Liber Ruber*.

Recusant Roll No. 1 (1592-3) was issued as volume 18 by the Society as long ago as 1916. *Recusant Rolls 2 and 3 (1593-1595)* are now being edited by Father Hugh Bowler, O.S.B., the author of "Some Notes on the Recusant Rolls" appearing in the present issue of *Recusant History*.

Seventeenth century history will be represented by an annotated edition of shop Leyburn's Visitation of 1687 which throws much light on the distribution Catholics during the last years of the XVII century. The same volume will clude some Leyburn papers preserved in Lambeth Palace Library.

It is also intended to publish a volume of documents, relating mainly to the VIIIth century, drawn from the Archives of the Northern Vicariate.

SOME NOTES ON THE RECUSANT ROLLS OF THE EXCHEQUER¹

By HUGH BOWLER, O.S.B.

Recusancy was the Elizabethan term for the refusal (Lat. *recusare*) to attend, in one's "parish church, chapel or usual place of common prayer", the Edwardian services of the Church of England as established by the Act of Uniformity in 1559 (1 Eliz., cap. 2). Among the penalties prescribed by this same Act was a fine of 12d., to be levied by the churchwardens for every Sunday or festival on which a person omitted attendance. These forfeitures were allocated not to the Crown but "to the use of the poor of the parish"; consequently the Exchequer rolls, being concerned only with the revenue of the Crown, bear no record of them.

The *raison d'être* of the Recusant Rolls thus lies in Elizabeth's decision, at the very outset of her reign, to impose novel religious services upon her subjects. Nevertheless, the legislation actually responsible for the existence of this particular series of rolls did not appear until twenty-two years later. It was formulated in two stages by the following statutes:—

- (a) "An Act to retain the Queen's Majesty's subjects in their due obedience"—23 Eliz., cap. 1 (1581).
- (b) "An Act for the more speedy and due execution of certain branches of a statute made in the 23rd year of the Queen's Majesty's reign, entitled An Act to retain the Queen's Majesty's subjects in their due obedience"—28 Eliz., cap. 6 (1586).

In the following remarks I shall refer to these as the statutes of 1581 and of 1586.

Statute of 1581. The relevant "branches" of this statute² made the shunning of the aforesaid services, in the case of persons above the age of sixteen years, an indictable offence, triable as a *misdemeanour* at any of the criminal courts. They also increased the fine due upon conviction to the enormous figure of £20 for every month of abstention, declaring these sums to be "forfeitures to the Queen". For this reason recusancy now came under the direct cognisance of Her Majesty's Exchequer, and the accounts connected with the levying of the fines by the sheriffs begin to appear in the Exchequer Pipe Rolls. The roll of this same year³ shows that the itinerant justices and local magistrates lost no time in applying the law, particularly in Yorkshire, Hampshire and London. It is noteworthy

at although the only alternative to payment specified in this statute is imprisonment, there is abundant evidence in the rolls that the existing common law regarding Crown debtors was also enforced against such recusants as were willing or unable to pay, *i.e.* their goods were distrained and their lands tented. The long-term policy of treating recusancy as a source of State revenue had begun.

Statute of 1586. This important definitive Act completely overhauled the former legislation, remedying its ineffectiveness and establishing a procedure which, broadly speaking, set a pattern for the combating of recusancy which was to endure for a hundred years⁴. In particular it stabilised the treatment of recusant debtors. Imprisonment is not mentioned. The statutory penalty now prescribed for the recusant who failed to pay his fine of £20 a month is forfeiture to the Crown, process out of the Exchequer (see *Procedure* below), of two thirds of his lands and all his goods and chattels. Thus the yearly profit from the major part of his estate could now be claimed as rent by the new landlord, the Crown—and (as is indicated in a statute of 1604^{4a}) could continue to be claimed after the offender's death from his recusant heir, until the total debt, *i.e.* the sum of the monthly fines both, had been paid. Only by submission and conformity, and by a plea heard and allowed by the Barons of the Exchequer, could the recusant be freed of the penalties and the family lands restored—in which case his own and all ancestral debts were cancelled. Payment of the fine of £20 a month could still exempt a wealthy recusant from further molestation, but in case of non-payment the present statute gave to the Crown a standard method of reprisal, already to some extent customary in the Exchequer, which brought the financial penalty for recusancy within applicable limits and was at the same time punishing and effective. That the fine itself would be paid was seemingly no longer expected or, indeed, even desired⁵. Obviously far beyond the means of the vast majority, this monstrous device was now clearly regarded rather as a device for pinning the recusant in the necessary position of hopeless debt, so that the system of dispossession and rent extraction could immediately begin and be assured, in each case, of worthwhile length of duration. An accumulation of debt sufficient to make the retention of lands by the Crown virtually permanent was in fact easily secured by the practice of repeatedly re-convicting a recusant after his lands had been seized. It could be added that imprisonment could still be resorted to as a punishment for obstruction, by the issue of the Long Writ of the Exchequer.

The Pipe Rolls contain, among other items of revenue, the records of convictions and forfeitures of recusants under both the above statutes from 1581 to 1591⁶. During these eleven years this side of Exchequer business increased so greatly (as the rolls themselves show) that it was considered necessary to open, in the Michaelmas term of 1592 (34 Eliz.), a separate series of rolls officially called *Rotuli Recusantium*, to which all outstanding accounts relating to offences under the above two statutes were now transferred and in which all similar accounts should thereafter be enrolled^{6a}.

The Recusant Rolls, of late origin in respect of the history of recusancy, are therefore supplements to the Pipe Rolls, engrossed in the same department of the Exchequer—the Pipe Office—and reproducing a number of their features. Eighty-one of them are preserved at the Public Record Office⁷, covering the period 1592 to 1691, viz. one roll for each Exchequer year (Michaelmas to Michaelmas), except during the first thirteen years of the reign of Charles II when the recusancy laws were practically in abeyance⁸, and after the first year of James II when they were stayed for the rest of the reign by royal proclamation. The rolls *tempore* Elizabeth, James I and the early years of Charles I are in good condition and mostly intact, but are defective in the Civil War and Interregnum periods⁹. Their condition under Charles II (from 1673) again appears to be satisfactory. The series ends with a reconstructed roll containing a few rotulets relating to the first three years of the reign of William and Mary.

The full original text of the first Recusant Roll (1592-3) is available in Volume XVIII of the Catholic Record Society's publications (1916). The introduction by its editor, the late Miss M.C.C. Calthrop, still remains the only serious technical work on the subject.

Construction. When unrolled they are seen to be actually large files composed of a number of strips of parchment (rotulets) about 6' long and 18" wide, each rotulet consisting of two membranes threaded together. The language is abbreviated legal Latin, written lengthwise on both front and back of the rotulets. The rolls of the period 1651–1658 are written in English.

Contents. The Recusant Rolls may be briefly described as annual Exchequer statements of the revenue due from the forfeitures of recusants, recording the audit of sheriff's accounts connected therewith. These accounts appertain to England

and Wales only, and are arranged under the several counties which follow one another in roughly alphabetical order on a roll, the Welsh accounts being gathered under the general title *Wallia*. The Durham accounts are incorporated with those of Yorkshire.

The roll for each county generally shows five types of entry, for the most part in the following order: (a) Preamble (b) Rental of seized recusant lands (c) Seized goods and chattels (d) Sheriffs' charge (e) *Estreats* of convictions. I will now try to describe these more precisely.

(a) The preamble gives the name of the sheriff responsible for the ensuing account, and the dates of his year of office. In the preamble for Bedfordshire (the first county occurring in any roll) a reference is also given to the Memoranda Roll of the Queen's Remembrancer wherein the text of the statute of 1586, the authority for the present Exchequer action, is inscribed.

(b) The rental entries, identifiable by the marginal letter *f*¹⁰ which in each case precedes them, usually contain some ten particular points: the name of the recusant, the rent due to the Crown, a brief specification of the seized two-thirds of the lands, the date of the seizure, the name of the head commissioner who executed it, reference to the record of it in the Memoranda Roll of the Lord Treasurer's Remembrancer, the name of the Crown lessee (where such lease has been granted), the date and term of the lease, the arrears of rent, the total current debt. If payment has been made, an additional note records the fact at the foot of the entry, the usual words *Et Quietus Est* indicating that the account has been settled and the debtor discharged for that year. Likewise, when the royal control is released and the lands are returned, a note is always appended citing the document wherein the court proceedings concerning the case may be found. Since they describe the source from which an annual rent is due, these entries are repeated (in a shortened form) each year after their first enrolment, until "the King's hands are removed" from the property.

(c) Items relating to forfeited goods and chattels state their estimated price or value now owed to the Crown, sometimes specifying the actual articles. They also give the name of the debtor (who was usually the commissioner responsible for the seizure), the name of the recusant, the date of the seizure, and again a reference to the L.T.R. Memoranda Roll recording its authorisation and performance. On the

rare occasions when the Exchequer is shown to have received the cash value of the articles the fact is noted under the entry, with the usual words of quittance. The Exchequer was often forced to consign these items, after many re-enrolments, to the Exannual Roll of Recusants¹¹ as "desperate" debts.

(d) The sheriff's charge (*onus*) sets out the particular items of debt for which he was summoned to account at the Exchequer at Easter or Michaelmas. These correspond to the entries bearing the marginal note *O* or *ONI* in the preceding part of the same roll¹²—mostly arrears of rent—which are here briefly repeated. Then follows the total sum of his charge; after which are inscribed his answers to the several items, and finally (but by no means always) his official *quietus*. It is evident from these audits that sheriffs, through failure to settle their accounts, were often not acquitted until many years after their term of office. Entries charging the current sheriff to exact such debts from his defaulting predecessors are as common here as they are in the Pipe Rolls.

(e) The estreats of convictions are abridgements of the original indictments upon which recusants were convicted at local Assizes, Sessions of Gaol Delivery or Sessions of the Peace, and which were required by the statute of 1586 to be delivered to the Exchequer before the end of the term following the date of the conviction. They give the recusant's name, parish, rank or occupation, period of recusancy, date of conviction, amount of the (unpaid) fine which he has incurred, and the date on which the estreat was despatched to the Exchequer. Usually the last type of entry to be found in any county account, the estreats often list scores of recusants. These provided the new material upon which the Exchequer set to work in the business of property-seizure. Evidence of this further action must be sought among the *rental* entries of subsequent rolls. The student will notice, however, the peculiar fact that estreats were often entered by the clerks on rolls of an earlier date (sometimes even four years earlier) than the actual date of conviction given in the estreats. Having found such an entry, he may therefore have to begin his search in a roll dated some four years later for evidence of the seizure of property. Nor ought he to confine his search to the county in which he discovered the estreat—particularly in the case of estreats enrolled under London and Middlesex, where recusants with seizable estates elsewhere were often convicted while staying at their Town lodgings.

Nearby in the roll may occasionally be seen the isolated but similar estreats

the conviction (always covering one year of recusancy, at the rate of thirteen shillings and four pence per month) of such wealthy recusants of the shire as actually paid their fine of 50 *per annum*¹³. These entries regularly bear the formal note of quittance, giving the dates of the half-yearly payments (at Easter and Michaelmas) to the Receipt of the Exchequer.

Procedure. The preliminary stages of the prosecution for recusancy, *i.e.* the indictment, proclamation and conviction of recusants in the local courts, are set forth in the statute of 1586 and have been commented upon elsewhere¹⁴. We are here concerned with Exchequer procedure after the estreats of convictions had been received from the sheriff.

These having been copied into the Recusant Roll, Exchequer action was begun in the office of the King's Remembrancer where the entire list was bracketed with the words *fiat commissio* (let a commission be issued) in the left margin. Letters of commission, awarded out of Chancery, were now issued with the Lord Treasurer's signature, empowering certain persons of standing within the shire nominated by the Lord Keeper of the Great Seal and the Exchequer Barons) to go into the shire, assess the value—by the verdict of a jury empanelled by the sheriff—of the property of recusants named in the estreats, and then and there to divide their goods and chattels, take into the King's hands the statutory two-thirds thereof and seize to the King's use the monetary value of their goods and chattels. The list of recusants (of course, of the same county) against whom it was intended to proceed was annexed as a schedule to the writ of commission, and both were consigned to the care of the sheriff concerned, he being in charge of all the local arrangements. After the commissioners and jurors had met and completed their task, the writ of commission, together with the verdicts of the jury and a signed and sealed statement of the particular seizures executed, were all returned to the Exchequer¹⁵.

The department of the Lord Treasurer's Remembrancer was now involved, and the Pipe Office the details in the case of each property were added to the rental portion of the current Recusant Roll in the form already described. It is worth mentioning here that the first enrolment of seized lands, often surprisingly informative, sometimes incorporates a transcript of the actual jurors' verdict, giving the names of occupiers of tenements on the estate. These are occasionally found at a later date to be recusants themselves.

Some further comments may first be offered on a few of the points referred to above:—

Estreats of convictions. These interesting lists provide reliable evidence of the recusancy of the persons concerned, but they must be interpreted with care. Corrupt forms of surnames and erroneous christian names are sometimes encountered; place-names are often hardly recognisable. Vagaries of this kind need cause little surprise when it is realised that by the time the lists reached the Recusant Roll they were at least fourth-hand copies. Nor were they allowed to invalidate a conviction (*cf.* Appendix: A[1]). Again, the insertion of the word *nuper* (“lately” — of this or that parish) will emphasise to the student that it is unsafe to infer the recusant’s presence at the given address during the period of recusancy indicated — the more so because by the statute of 1586 he could be (and usually was) convicted in his absence, by default of appearance in court.

On a point of general interpretation it is important to observe that although the enrolment of these estreats was a necessary prelude to the seizure of property, there is ample evidence that this by no means inevitably ensued. The names on the lists, in certain shires and during the periods of more intense oppression¹⁶, run into thousands. Many commissions, indeed, were issued, each with its annexed list of cases to be investigated; nevertheless it would appear that the Exchequer, overwhelmed by so rich a harvest, omitted from the schedules vast numbers of available recusants — whose satisfaction, incidentally, must have been greatly modified by the knowledge that their enrolment at Westminster implied an abiding threat to their possessions. Moreover, many whose names the Exchequer actually included in the schedules were eliminated, after inquiry, by the jurors’ verdicts. In 1589, for instance, a jury in the West Riding of Yorkshire, having been handed a list of 46 recusants for investigation, reported to the commissioners that only 14 of them had seizable property; the remaining 32 being “seized of no lands nor possessed of any goods to our knowledge¹⁷”. This sweeping verdict, dictated perhaps by mere inertia, was nevertheless allowed to pass¹⁸. We may therefore safely infer that many recusants of the less notorious or less wealthy sort in this way escaped further attention from the Exchequer, even after the inquisitions had been carried out^{18a}.

Crown lessees. The rolls show that considerable delay attended the collection of rents from newly seized lands. This was quickly remedied by the

anting of leases, under the Exchequer seal, to "custodees" and "farmers". When a recusant property was thus farmed for the Crown by a lessee the roll marks the fact not only by giving the main details of the lease in the body of the entry but also by inscribing his name at the beginning of it, he now being the official Crown debtor in lieu of the recusant and lawfully in control of the seized portion of the estate "for as long a time as it remained in the King's hands"¹⁹. His advantage seems to have lain initially in the practice of seizing and letting the most profitable two-thirds of the estate for a rent calculated at precisely two-thirds of the estimated value of the whole. After paying this low rent, he was entitled to manage the property for his own further gain. Some of these Crown lessees were on friendly terms with the original recusant owner, but it is not difficult to see that, if hostile, he could, in order to line his own pocket, play havoc with a recusant's estate—particularly since he held the lands on only a temporary basis. The system, in fact, offered immense opportunities to an unscrupulous speculator and often brought great hardship upon its victims and their families who had no adequate redress in the courts. The under-cover manipulation of commissions and leases in thirteen counties by Thomas Felton and his gang, abetted for a period after 1597 by some of the highest officials in the Government, by means of which he was able ingeniously to amass a fortune at the expense of both Exchequer and recusants, may be quoted as an instance of combined fraud and ruthlessness actually practised. None of this is revealed in the Recusant Rolls. The details will be found in a series of documents among the State Papers (Domestic), 1598-1602²⁰. Even if exercised in a legal manner the scheme appealed to many as potentially very lucrative, and Queen Elizabeth and her immediate successor granted not a few such leases as rewards to their personal servants²¹. Occasionally they were petitioned for and obtained by a conforming relative of the recusant—an arrangement which at least protected the family lands from spoliation and, from the official viewpoint, provided a motive for the maintenance of conformity within the family. The rolls show, moreover, that the scheme proved in the main successful for Exchequer purposes, as a method of securing payment of the rents.

Seizure of goods and chattels was executed, as we have seen, by a process similar to that used in the seizure of lands, a single commission often requiring action to be taken on both lands and goods at one and the same inquisition. We find, however, many commissions issued for the seizure of the latter only, particularly in the case of recusants whose lands were of little value. *Per contra*, where the seized lands were of great value the Exchequer often omitted altogether

the seizure of goods (*cf.* Appendix: A[9]). It is also apparent that although the statute of 1586 required the seizure of *all* goods and chattels, a very loose interpretation was tolerated, the sums allocated to the King's use being often paltry in relation to the financial standing of the recusant²². The infrequency with which these sums reached the Exchequer confirms to some extent the accusation of wide-spread collusion in embezzlement among the persons assigned to the levying of them (*cf.* Appendix: A [7])²³.

Payments. It was the common practice for rents and other dues to be collected locally for the sheriff by the bailiffs of the hundreds in which the properties lay, the sheriff himself accounting for them at the Exchequer²⁴. The rolls, however, appear to prove that in some years a debtor would personally visit the Tellers' Office at Westminster Hall, pay his rent and receive his tally. All settlements of account were normally recorded, with dates, upon the Recusant Rolls in particularly bold handwriting, beneath the several items to which they referred, but it must be remarked that such annotations are often to be found beneath re-enrolments of the items on rolls dated two or even three years later than the actual date of payment, so that it is a laborious task to discover, from this source, the total sum paid to the Exchequer in any one year. An attempt to do this from the whole of England and Wales for the year 1594-5 produced, after much scrutiny, a total of £6130, which is £30 less than the figure quoted by Dietz from the official Pells Receipt Books and Abbreviates. The Recusant Rolls therefore cannot be regarded as a helpful or altogether trustworthy source in the matter of finance.

References to Exchequer Memoranda Rolls. The Recusant Rolls invariably cite authorities for statements of fact, thus providing a useful index to recusant items in other records of a more detailed nature. For all matters touching the seizure of property the authoritative record was the entry written in the Memoranda Roll of the Lord Treasurer's Remembrancer: it is to this series therefore that reference is most frequently made. Intact for the whole recusancy period, these rolls are available for consultation at the Public Record Office²⁵. They are often very informative, particularly where quoted in reference to the discharge of a recusant and the surrender of royal claims upon his lands²⁶. Here the searcher will normally find details of a successful plea of right made before the barons of the Exchequer and the award of *amoveas manum regis*²⁷, giving not only a summarised case-history of the recusant with a recapitulation of the proceedings leading up to the seizure of his property, but also the evidence upon which judgment was

ntered for the plaintiff. In this last section, especially, facts of considerable nterest about the recusant and his family are sometimes revealed. The L.T.R. lemoranda Rolls prove to be a rich and apparently unexplored field of inquiry for he student of recusant history.

Two unsolved problems. On the interesting question of the inclusion of Protestant Dissenters among persons convicted of recusancy, and of their identification, the Recusant Rolls are unhelpful: nowhere do they mention the religious opinions of the offenders. Herein the estreats follow their prototypes — the indictments for recusancy, which are normally so phrased as to be applicable to any form of dissenter. Nevertheless, since the statute of 1581 which originated them was primarily directed (as its opening clauses indicate) against the authority of the "See of Rome", one would expect to find that the persons convicted under it were for the most part adherents of the Catholic Faith. Wider research confirms this, at the same time revealing that Brownists were occasionally certified to the exchequer as convicted recusants under the first two Stuart kings (*cf.* Appendix: [31]), and that in the reign of Charles II Baptists and Quakers likewise occur — a few of the latter being prosecuted (*e.g.* in Wiltshire) even to the extent of the seizure of their possessions²⁸. The number of these non-Catholic recusants, which before 1660 seems to have been relatively very small, can be ascertained only by further biographical inquiry.

It will be evident also that the Recusant Rolls, varying year by year in content, may not, except perhaps in the broadest sense, be regarded as an index to the size of the recusant population at any given time. Apart from deficiencies in the rolls themselves, it can be shown that even during periods when they are intact they omit the names of persons known, from other sources, to be recusants. For example, the records of the High Commission for Ecclesiastical Causes, which, concurrently with the ordinary courts of criminal jurisdiction, was dealing with this offence between 1580 and 1641 by processes and penalties of its own, mention recusants who never appear in the Recusant Rolls. This is likewise true of diocesan visitation records. A number of these discrepancies may probably be due to last-minute submissions, but it is certain that they are largely attributable to neglect of duty on the part of estreating clerks of the local courts — a fault actually referred to in the statute of 1586²⁹. There is also evidence that the initial inquiries of constables and churchwardens, whose venality was conspicuous, were not always exhaustive. Obviously, these rolls must never be regarded as a yearly census of

recusants. The numerical strength of the latter remains a matter of conjecture^{29a}.

Significance of the Recusant Rolls. The particular contribution which these documents make to our knowledge of the history of recusancy lies in their revelation of the identity of such recusants as were certified to the Exchequer and of the latter's subsequent treatment of those selected for further prosecution. These are points quite fundamental to the history of the subject. Additionally, by reason of their elaborate form, the rolls offer a variety of incidental information which renders them valuable to a wide circle of scholars. Their technical interest, for instance, will be recognised by students of the ancient Exchequer and its methods. The topographer, the genealogist and especially the local historian will all find here source-material which they would not wish to overlook. For the church historian and biographer they are naturally of great importance. Their very existence as one of the more notable series of Exchequer records makes immediately apparent the prominence of recusancy as a phenomenon of the times. Herein, moreover, is displayed vivid proof of the continuity and vitality of the medieval Catholic tradition under duress—a picture showing unmistakably the ebb and flow of persecution and the personal struggles involved. When viewed in sequence they present, in the case of hundreds of individuals, a panorama of reliable facts covering sometimes a considerable period of their lives, and by frequent references to the Memoranda Rolls point the way to further details, often relating to other members of their families. Each roll adds its quota of new information. The facts, tersely stated, are nevertheless authentic, and provide a sure and adequate foundation for further biographical research³⁰.

APPENDIX

Practice Directions of the Judges

From early times until 1875 the Judges of England³¹ met regularly in the Exchequer Chamber at Westminster not only to adjudicate, as a court of appeal, in actions removed thither by writs of *error*, but also, as an assembly of the highest legal authority, to give rulings on problems of law connected with the interpretation and practical application of existing statutes.

The two documents published below³² reveal some of their decisions in the latter capacity, and are of no little interest and importance for the student of the

present subject. The first (A) is evidently a copy of their official answers to a number of questions put to them for the guidance of local authorities in their execution of the laws against recusants. The second (B) gives a summary of the judges' resolutions concerning two particular issues — the alienation of recusant property and the legal implications of the statute 1 Jac.I, cap. 4 relating to conformable heirs. Both papers are undated, but from internal evidence were certainly written after 1606³³. In fact, although the handwriting differs, it is fairly safe to say that both originated at York between 1628 and 1633 and were based on authenticated copies of the resolutions then preserved in the office of the King's Attorney to the Council of the North. This is manifest at any rate in the case of B³⁴.

The original resolutions must have been enrolled at source, but their present whereabouts cannot be traced³⁵, nor do I know whether the York copies have survived. In the absence of the originals it is impossible to ascertain whether the questions in A were all sent in and answered at one time or at different periods: the contents of this document, indeed, may well include a number of resolutions made in Elizabeth's reign³⁶.

The texts are here given in full, but the spelling has been modernised and punctuation added. I have also numbered the resolutions for purposes of reference.

A

The resolution of all the Judges of England upon deliberation upon these several questions touching Popish Recusants.

If the Officers of the parish cannot learn the christian name or surname of any recusant, what is to be done?

(1) If the master of the family will not discover the christian names of those of his family it is fit the master should be bound to the good behaviour, and it is fit that the next [*i.e.* nearest] Justices of Peace to the place suspected do resort thither to know their true names. And they may be indicted by such names as they are know if other names be not found³⁷.

If any etc.

(2) By the statute of 23 Eliz. a popish recusant may submit before the Bishop before indictment, but after indictment there can be no knowledge taken of any conformity but by submission in person in open court³⁸.

If etc.

(3) If one that is a brownist or separatist be indicted as a popish recusant there is no avoiding it but by conformity, but if the indictment be general *contra formam*

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statuti, the statute of 35 Eliz. ordaineth several punishments for them³⁹.

If etc.

(4) No traverse ought to be admitted unless the party indicted yield his or her body to the sheriff and appear in person in custody⁴⁰.

If etc.

(5) If a traverse pass for the King upon evidence or by default, or if upon appearance he will not plead and so judgement is given by *nihil dicit*, this is a conviction as well as if it had been upon proclamation⁴¹.

Whether etc.

(6) A traverse ought to be tried presently (if the time will permit) otherwise as soon as can be.

When etc.

(7) To prevent the embezzling of the goods of a recusant the sheriff shall do well, by himself or his bailiffs, to put the owner out of possession, to seize the goods for the keeping of them safely, and inquiring of them after.

If etc.

(8) The husband shall not be forced to pay any part of the penalty for the wife's recusancy, but if the wife be committed to the gaol the husband, if he will redeem her liberty, must pay £10 the month⁴².

Whether etc.

(9) It is fit that (in case the recusant have his lands seized and 2 parts taken to the King's use, the lands being of a considerable value) to forbear prosecution against his goods. Statute 28 Eliz. : 3 Jacobi⁴³.

If etc.

(10) The King may refuse the £20 a month, but if he once take 2 parts of the lands he cannot resort to the £20 a month, because he hath made his election⁴⁴.

If etc.

(11) No informers shall be admitted against any who pay the King⁴⁵.

[continued on dorse]

(12) A woman covert convicted may be taken out of the house, and if the sheriff or other officer knock at the door (it being shut) they may break it open.

(13) It is fit to bind poor recusants to the good behaviour.

(14) Poor recusants for pleading their conformities may be admitted *in forma pauperis*, or the fees moderated.

(15) If jurors refuse to find the recusant's lands and obstinately refuse to follow their evidence, it is fit to bind them to answer their contempt in the Exchequer.

(16) No copyhold lands are to be seized for recusancy.

[text ends]

(Endorsed)

Resolutions of Judges

[another hand] De Recusan' [? opinio] Judicum

[first hand] 1^o part of Resolutions of the Judges

B

(1) It is absolute by the Rule and Instructions of his Majesty's Court of Exchequer, and Resolutions of the Judges of the Kingdom, that no Recusant Convicted after conviction may sell, alien or make leases [? of any] estates which will be allowed by the laws to take away his Majesty's 2 parts liable to seizure.

And especially after conviction and seizure of lands, leases or farms, for then the King is invested in the land, and without a plea and judgment of the Court of Exchequer to discharge the seizure, his Majesty's 2 parts, entitled to his Highness, cannot be taken away from the King.

It is considered that by the statute of 3 Jacobi a recusant after conviction and before seizure may sell or make leases or sell leases. But that statute is only intended unto such as did pay the statute of £20 a month, and [? when] his Majesty will make choice of the 2 parts and refuse the £20 a month⁴⁶.

(2) The judges' Resolve further is, upon the statute of primo Jacobi for conformable heirs, that upon the death of the ancestor the conformable heir may discharge all his land, debts and penalties thereupon, for as many lands as descended upon him⁴⁷. But for any land sold by his ancestor not descending upon such conformable heir, his conformity cannot discharge it, but the purchaser's land shall be continued unto the King's Majesty until the arrearages of the debt of £20 a month be paid, which will be many years. Mr Radclyffe, his Majesty's attorney here, can show your worship these Resolves of the statute of primo pro conformable heirs.

[text ends]

[Endorsed] Concerning recusants

NOTES

1. With special reference to the period 1592-1611: the writer disclaims intimate knowledge of the rolls beyond this date. The present preliminary survey contains the substance of a talk given on 19th March 1957 at 114 Mount Street, W.1, under the *aegis* of the Catholic Record Society.
2. Clauses 5, 9 and 11 (*Statutes at Large*: ed. 1786). Other clauses of this statute prescribed fines for the saying and hearing of Mass, and the death penalty for reconciling or being reconciled to the Catholic Church.
3. P.R.O.: E. 372/426.
4. *I.e.* until 1691, when the last conviction for recusancy was enrolled at the Exchequer. Changes in the interpretation and application of this statute, introduced by later decrees, are of course reflected in the rolls throughout the period, *e.g.* the extension, after 1629, of the system of allowing recusants to compound for leases of the seized portions of their lands (E. 377/42 seq.). In the early years of the Interregnum the existing recusant rents were collected, but, the indictment for recusancy having (for obvious reasons) been discontinued, no new estreats appear. In 1656, however, the penalties of recusancy were applied to persons certified as refusing to take the

revised Oath of Abjuration. Their names were entered upon the Recusant Rolls, and the old Exchequer procedure recommenced in their regard.

- 4a. Statute 1 Jac. I, cap. 4: "An Act for the due execution of the statutes against Jesuits, Seminary Priests, Recusants etc" (clause 5).
5. It was thought to afford the rich too easy a means of escape. This attitude is officially exemplified in the statute 3 Jac. I, cap. 4, clause 11 (1606), by which the King was entitled to *refuse* the payment of the £20 fine and *enforce* the seizure of land. It is noteworthy that as a result of the statute of 1586 the revenue from recusant forfeitures was trebled within two years: cf. F.C. Dietz, *The Exchequer in Elizabeth's reign* (Smith College Studies in History, VIII, No. 2).
6. E. 372/426—436.
- 6a. To what extent this principle was actually adhered to can be determined only by a parallel examination of the Pipe Rolls throughout the period—a task which still remains to be undertaken. Exceptions to the rule have in fact been noticed in the Pipe Rolls of the Interregnum. For instance, the roll of 1552 has an entry (under *Bucks*) regarding the discharge of the Yorkshire recusants Anthony and Thomas Meynell of North Kilvington. Fines involving recusants but relating to other offences connected with religion and penalised by later statutes, e.g. for keeping Catholic servants and for refusal to receive the sacrament (3 James I, c. 4), also occur in the Recusant Rolls—but so rarely as to suggest that the Pipe Rolls were regarded as the more suitable repository for their enrolment. This may well prove to be true also in the case of forfeited recusant bonds taken before the High Commissioners for Ecclesiastical Causes, which never appear in the Recusant Rolls (so original loose *estreets* of the last-named forfeitures will be found at P.R.O., in K.R. bundles E. 135/12/1-8).
7. E. 377/1-81. An extra one (E. 377/82) consists of a few undated rotulets of various periods, later strung together. E. 377/57 is also a reconstructed roll relating to Essex only.
8. The three fragmentary rolls of this reign up to 1673 can muster only ten rotulets among them. They are dated 1660, 1663/1668 and 1669.
9. No rolls are extant for the years 1648, 1650, 1652, 1653 and 1659.
10. Abbreviation of *firma* (farm). Seized recusant rents were included in the royal "farm of the county".
11. E. 363/9.
12. (Expanded) *oneratur, nisi (habeat sufficientem exonerationem)*—implying a charge upon the sheriff to levy the debt, unless he can produce sufficient evidence for his discharge. Cf. M.S. Giuseppi, *Guide to the Public Records*, I, 135.
13. A sum equal to at least £5000 in modern currency. Only thirteen persons out of the whole of England and Wales were paying this fine in 1594. The number never exceeded seventeen.
14. E.g. C.R.S. XXXIV, Introd., pp. XLII-XLIV.
15. The proceedings outlined above are often described in detail in the L.T.R. Memoranda Rolls, to which the Recusant Rolls make frequent reference (e.g. note 17 and text).
16. E.g. Yorkshire and Lancashire, at the end of Elizabeth's reign and after the year 1600.

17. L.T.R. Memoranda Roll: E. 368/456, rot. 11v.
18. Some of the above 32 persons, however, were not so fortunate at a later inquiry.
- 18a. Thus an estreated conviction may often be the only type of reference to a recusant discoverable in the rolls. Nevertheless, since it was not uncommon for offenders to be repeatedly convicted and enrolled before their property was seized, one ought to be careful not to abandon too soon the search for evidence of this later development. It sometimes occurred many years after the first conviction was certified to the Exchequer.
19. *Quamdiu in manibus regis remanere contigerint*. Occasionally these leases were made out for a term of years.
20. Cf. also F.C. Dietz, *English Public Finance* (1932), I, 87, n. (4). The facts regarding Felton were kindly given to me by Mr John Paul.
21. These lessee-farmers must be distinguished from the courtiers to whom Elizabeth and James I made outright grants of the Crown's claims to recusancy dues, particularly in the period 1606–1611 (thus seriously diminishing the revenue): cf. P.R.O., S.P. 14/80/69; B.M., Add. 34765, and Brian Magee, *The English Recusants*, pp. 66 seq.
22. Not all assessed values, however, were paltry. A striking case is that of the recusant widow Jane Bowes of Humberstone, Leics., on whose death in 1598 the Exchequer claimed, apparently from the legatees of her will, no less than £1180—the estimated value of her livestock, household furniture and personal clothing bequeathed to them: (E. 377/8, *Res' Leic'*).
23. John Morris S.J., *Troubles of our Catholic Forefathers* (1877), Series III, pp. 8-59, quotes comments by a contemporary recusant on the prevalence of fraud connected with the execution of these laws.
24. Cf. *The Medieval Shire House*, an essay by Miss M.H. Mills in *Studies presented to Sir Hilary Jenkinson* (1957), pp. 254 seq.
25. Series E. 368. Occasionally the authority quoted is the L.T.R. Books of Orders and Decrees, of which unfortunately the earliest survival is dated 1685.
26. These references follow a regular formula. A typical example may be seen on page 28 of C.R.S., Vol. XVIII (in the entry relating to the lands of Nicholas Langford), beginning *Sed non debent summoneri . . .* and ending *Et quieti sunt*. It will be observed that the number of the particular rotulet of the Memoranda Roll on which the case is to be found is invariably omitted. This, however, may be ascertained from a contemporary index to the rolls, also preserved at P.R.O.
27. Cf. Jacob, *Law Dictionary*, under "Ouster le main".
28. The holding of conventicles by Protestant separatists as a substitute for attendance at church was declared unlawful and punished by imprisonment or exile by the statute 35 Eliz., cap. 1 (1593). This Act, incidentally, never calls the offenders "recusants", but "seditious sectaries and disloyal persons". After the Restoration Protestant Dissenters were normally prosecuted under the Conventicle Acts of 1664 and 1670.
29. Their failure to certify convictions to the Exchequer was common even after this date, as is proved by a comparison of the original indictments in the London sessions files, *temp.* James I, with the contemporary London estreats in the Recusant Rolls.
- 29a. Cf. Magee, *op. cit.*, chap. VI.

30. With a view to rendering this material accessible to students, the Catholic Record Society plans to publish English abstracts of the 2nd and subsequent Recusant Rolls, and so continue the series begun by Miss Calthrop in a more readily intelligible form. The work is at present in preparation.
31. Comprising all the judges of the three Superior Courts of Common Law, with (occasionally) the Lord Chancellor.
32. Preserved among the papers of Sir Arthur Ingram in the Archives Department of Leeds City Library (Temple Newsam MSS: Bundle TN/PO.1/111, "Council of the North, 1613-1638, and undated petitions"). Ingram, the builder of Temple Newsam Hall (*ob.* 1642: see *D.N.B.*), was a secretary to the Council of the North from 1612 and Sheriff of Yorkshire in 1620, in both of which offices (especially the latter) he would have had dealings with recusancy. I am indebted to Fr. Hugh Aveling O.S.B. for calling my attention to these papers.
33. The Statute 3 Jac. I, cap. 4 is referred to in each.
34. *Cf.* the reference at the end of document B to Sir George Radcliffe (see *D.N.B.*), who became King's Attorney in 1628 when his master, Thomas Wentworth, Earl of Strafford, was appointed President of the Council of the North. Radcliffe left for Ireland in 1633.
35. They are not among the early printed Law Reports in B.M. Giuseppi (*op. cit.*, I, p. 76) says that no minute or rule books of the Clerk of this particular court have seemingly been preserved.
36. Quite clearly, however, it is not a complete collection of such resolutions (see endorsement to document A: "*First part of the resolutions . . .*").
37. *Cf.* Statute 3 Jac. I, cap. 4 (1606), "An Act for the better discovering and repressing of Popish Recusants", clauses 4 and 16 (*Statutes at Large*).
38. *Cf.* Statute 23 Eliz., cap. I, clause 10.
39. Statute 35 Eliz., cap. I (1593).
40. A traverse was a formal denial of fact, usually resulting in a trial of the case on a plea of *not guilty*.
41. The circumstances here described are not covered by the Statute 28 Eliz., cap. 6, clause 5. For procedure in recusancy convictions, see *C.R.S.*, Vol. 34, *loc. cit.*
42. *Cf.* Statute 3 Jac. I, cap. 4, clause 40.
43. A new ruling on both these statutes.
44. Interpreting Statute 3 Jac. I, cap. 4, clause 11.
45. *I.e.* against those who pay the fine of £20 a month.
46. According to this obscurely-phrased memorandum the judges' ruling would appear to be that no recusant, after conviction, may dispose of his property under any circumstances, and that the previous acknowledgement of the claim to do so (implied in Statute 3 Jac. I, cap. 4, clause 11) in the case of a recusant who has been paying the fine of £20 a month, is now withdrawn by reason of the King's right, expressed in that same clause, to refuse the fine and seize the lands.
47. *Cf.* Statute 1 Jac. I, cap. 4, clause 2.

VEN. WILLIAM SOUTHERNE: ANOTHER TYNESIDE MARTYR.

By ANN M.C. FORSTER

William Southerne, the last martyr to suffer under James I, lived and died during a period of disunion among the English Catholics. They were divided upon several issues: one of these was the lawfulness of taking the Oath of Allegiance. This Oath, introduced by Cecil in 1606¹, and condemned as unlawful by Pope Paul V the following year, was still favoured by a certain (small) section of the clergy in England. Ven. William Southerne was not of their number: his refusal to take the Oath was the determining factor which brought about his condemnation.

His martyrdom evoked a minor diplomatic crisis. His death became a bargaining-point affecting the lives of many of his fellow-Catholics. From the lowest point of view, that of their material amelioration, he did not die in vain.

Not a great deal of his story is on record, and what little there is, through a strange and accidental confusion, has been misrepresented. His biographers² have stated that Bassage in Staffordshire was the scene of his labours, and Newcastle-under-Lyme the place of his martyrdom. The object of the present note is to establish that his mission lay chiefly, if not exclusively, in the counties of Northumberland and Durham, and that he died at Newcastle upon Tyne, the 30th April, 1618.

Information about his death was sent from London to Cardinal Borghese in Rome on 22nd May 1618: "A secular priest named William Sotheren, travelling through the country of the north part of England, was taken on the road and put to death in a city called Neucastel only for being a priest without any other pretext at all." Further information was sent to Borghese from Antwerp on 30th May: the Spanish Ambassador had protested to King James about the execution; James had sworn that he had had no knowledge of the matter, and that the official responsible should feel his heavy displeasure. The letter ends: "The person responsible for the death of the said priest was Baron Sheffield. We shall soon see what effect this [the King's threat] will have."

A letter to Rome from a Jesuit in England, dated 10th May, 1618⁴, also lays the responsibility for the martyrdom upon Lord Sheffield. "The President of York [a title meaning the President of the Council in the North] taking a priest upon the

highway, by a private session arraigned and executed him at Newcastle very lately.”

A third letter, addressed to Philip III of Spain by Julian Sanchez, acting Spanish Ambassador in London, dated from England the 30th July, 1618⁵, says: “When the King [James] had understood that Baron Gefil [Sheffield] president of the Province of Yorque [York], was using the powers of his office with too great vehemence, and was persecuting Catholics very harshly and rigorously, he took from him the Presidency.”

Again, a Catholic account of the activities of the pursuivants, dated from London 15th Nov. 1618⁶, says: “The principal of this class [of Pursuivants] is a man called Dales, servant of Lord Sheffield, President at York, which Lord recently procured the martyrdom of a priest at Newcastle.”

Sheffield then, was the man responsible, and it would seem, in some way *personally* responsible for the martyrdom; Sheffield in April 1618 was at *Newcastle upon Tyne*, presiding over a Special Commission for the establishment of peace upon the Borders⁷, and also at the Assizes and Gaol Delivery which opened in Newcastle the 20th April⁸: and Ven. William Southerne was executed in “Newcastle, six days after his trial, on either the 26th or the 30th April⁹. Therefore the Newcastle in question must have been Newcastle upon Tyne.

Having so far established the claim of Newcastle upon Tyne to be the scene of the martyrdom, let us examine the sources of what for convenience may be termed the “Staffordshire story.”

Challoner quotes this story, in inverted commas, as coming from Knaresborough.

Knaresborough¹⁰ first quotes the account of Raissius, saying: “In the Catalogue of Martyrs of the English College of Douay, we find the name of William Sowtherne formerly an alumnus of that house. But besides the bare name of this Apostolic Priest, we have scarce anything left us in Print worth taking notice of.” Against this entry he has a marginal note: “Vid. Arnold. Raissium in suo Catalogo Duaci Ann. 1630.” Knaresborough does not at this point give the details regarding the life and martyrdom which are to be found in Raissius, and which Challoner extracted and gave.

Knaresborough then goes on to give the "Staffordshire story": "I have been told that his [William Southerne's] Mission lay chiefly among the poorer sort of Catholics at Bassage in Staffordshire, an estate belonging to the Fowlers of St. Thomas near Stafford. And that he was seiz'd at the Altar and hurry'd away in his Vestments to a Neighbouring Justice of the Peace who committed him to Stafford Gaol; and this Condemn'd Priest being carry'd to Newcastle under line he was there strangled and butch'd . . . His head is said to have been brought back to Stafford and fixed upon a spear on one of the City gates in Terrorem. He suffered at Newcastle in Staffordshire: 30 April A.D. 1618."

There is another marginal reference to Raissius opposite Knaresborough's final sentence about Stafford; but the actual text of Raissius¹¹ tells a different story. Here we find the mission among the very poor—but no word of Bassage or the Fowlers of St. Thomas. Here are given the details of the execution at "Newcastle"—not "Newcastle in Staffordshire" or "Newcastle-under-Lyme." Here the martyr's head is fixed "over the gate of the city"; again no suggestion that Stafford or any city other than Newcastle is meant.

It seems fairly obvious what has happened. Someone—either Knaresborough or his informant—has a traditional story about a priest of the name of Southerne, or some such name, who worked at Bassage in Staffordshire and was, quite possibly, arrested at the altar in the manner described¹². He has identified this priest with the martyr William Southerne, and then proceeded, rather clumsily, to weld together the traditional story and the account of the martyr given by Raissius. To "his mission lay chiefly among the poorer sort", [Raissius], he has added "at Bassage in Staffordshire"; to "He suffered at Newcastle", he has added "in Staffordshire"; and—possibly because Newcastle-under-Lyme was not a walled city and had no gate—he has fixed upon Stafford, the county town and fortified, as being the place where the martyr's head was exhibited, and of an assumption has made a fact. By his fusion of the two accounts he has created the "Staffordshire story".

The identification was undoubtedly made in good faith, and possibly with considerable justification; for there actually was a second William Sotheron, *alias* Smith, S.J.¹³, *who was a native of Staffordshire*, and who died in 1658. Admittedly, nothing is on record to show that he ever exercised his ministry there, but since it was his native county, such a thing is not improbable. If he did, he may well have been the William Sotheron of whom the traditional story was told; but whether he

or another, the priest of the traditional story was not William Southerne the martyr. Knaresborough had the story on hearsay only, as he himself admits; and he quotes no other source whatever in which Staffordshire is even mentioned.

This is the case for assigning to Newcastle upon Tyne a martyr hitherto unclaimed by her. So much for the scene of the martyrdom. What of the man?

On the 18th April, 1579, William Bennet, Vicar of Aycliffe near Darlington, or his deputy, baptised a boy, and entered up the baptism in the parish register: "Willm. Sutherne¹⁴". Three years later he made another entry: "Christopher Sutheran, son of William Sutheran" baptised 8th July, 1582.

William Sotheron, the father of these children, was the son of another Christopher Sotheron, and Isabel Smythe. The Sotherons were a mercantile family, long established in the city of Newcastle upon Tyne. There can be little doubt that Christopher Sotheron the grandfather was a member of this family, but the connection cannot be shown¹⁵. His wife Isabel was the daughter of a cadet (Christian name unknown) of the family of the Smythes of Esh in the county of Durham; the name of her mother has not been ascertained. Isabel had one brother, Cuthbert Smythe of Ketton, who made his will 26 March 1576¹⁶. To each of his four sisters, Margaret Grymston, Constance Stelling, Frances Layton and Isabel Sotheron, he left £20: to each sister's child who should be living at the time of his death, £20: and one third of his residual estate he left to his nephew, William Sotheron.

It was possibly about the time of the death of his uncle that this William (father of the martyr) married and settled at Ketton¹⁷, in the parish of Aycliffe. His wife was Katherine Willey, and her mother, Dorothy Hodgson, came of a Tyneside family remarkable throughout penal times for their fidelity to the Faith. To William and Katherine Sotheron were born four, possibly more children: William and Christopher, whose baptisms are recorded above, Jane, mentioned in the will of her grandmother, Dorothy Willey, in 1584¹⁸, and a fourth child, living in 1598¹⁹. To William, the future martyr, Mrs. Willey left "£20 to get him a farmhold where his father shall think meet."

The first reference to the recusancy of William Sotheron, senior, is of this

period. He was convicted, under the statute of 23 Elizabeth, in that he had absented himself from the parish church, for a period of twelve months commencing 2 October, 1584. The date of conviction is not given²⁰. At the penal rate of £20 a month, he was thus a debtor to the Exchequer to the extent of £240. He was then living at Ketton. A few years later, about 1589²¹, he decided to send his son William abroad for his education. The Jesuit college at Vilna in Lithuania (then Poland) was the place selected, and possibly it was in one of the ships of his merchant relatives that he made the long Baltic voyage. At Vilna he was admitted to St. John's College²². This institution, founded in 1577, became a flourishing academy, which under the Jesuits gained a great literary reputation. During the years 1581-91 it was fostered by Prince (Cardinal) Serge Radziwill, and in 1597 it numbered 800 pupils²³. Here William remained for six years, and then misfortune overtook him: he was afflicted with a chest complaint, probably tuberculosis, the scourge, in a less hygienic age, of institutions and convents. The only known remedy was prescribed for him, a change to his native air.

Meanwhile, things had been going ill with the family at home. In 1591 William, the father, made a journey up to London²⁴, under the guidance of one Arthur Lonsdale, whose connection with the family is not clear, but who was evidently either an old friend or a retainer, for he figures as a witness of old Mrs. Willey's will. In London, which they reached about a fortnight before Whitsunday (which that year fell upon 23rd May) they met, probably by appointment, Nicholas Sotheron, William's brother. Nicholas had been living in Ireland, in the service of the Dowager Countess of Kildare²⁵, at Maynooth. The brothers had not met for ten years, and there seems to have been some suggestion already made that William should accompany his brother back to Ireland, for preparations for the journey were in progress.

They returned from London almost immediately, travelling north through Piercebridge, through the counties of Durham and Cumberland, and making, it would seem, for the coast near Whitehaven; but at some point, probably in the vicinity of Penrith, they were stopped by two of the local gentry, who suspecting them to be recusants or seminary priests, conveyed them to Carlisle and handed them over to the Warden of the Western Marches, Lord Scrope. He proceeded at once to interrogate them.

Lonsdale he dismissed as harmless. The latter disclaimed all acquaintance

with Papists, unless one of his companions should prove to be such, and “utterly disliked the religion.” The other two roused suspicion. They were travelling under the name of Smythe²⁶. Nicholas admitted that Sotheron was their real name, but explained that his mother was a kinswoman of Sir William Holles, and that he had assumed her name in order to impress his employer, Lady Kildare. Scrope was not satisfied. He had their baggage searched, and found there damning evidence of papistry, and letters to exiles in Ireland. The letters, most touching but too long to quote here, tell of the conditions in county Durham, from which the Sotherons were trying to escape, of a lull, a “quietness” preceding the expected persecution which broke heavily upon those regions the following year. Whether the Sotherons ever reached Ireland is doubtful: the outcome of the incident is unknown. Nor is there anything to indicate where they were living at the time their son came home, sick, from Poland, only to leave them again, after a stay of several months, in 1596, for the College at Douay, where he continued his studies, entering upon rhetoric and philosophy. After two years he left Douay and went to Valladolid, arriving there the 6th December, 1598. Nine days later, the 15th December, he was admitted to the College and submitted to the usual interrogations regarding himself and his circumstances.

He stated²⁷ that he was born in the diocese of Durham, that his parents were noble and had suffered much for the Catholic faith, and that he was twenty-two years of age. The latter statement we suspect to be incorrect. If he was a baby when baptised in 1579, he could now have been only in his twentieth year. Probably in the course of his wanderings he had lost count of the years. He told of his six years in Poland, of the illness that had taken him home, and of his two years at Douay. It was the wish of his parents that he should follow the calling of a priest, even at the cost of his life. Such, the lad said, was his own desire, and for this he offered himself.

The next part of the story is not so clear. Less than a year later (September 1599), we find him setting out once more for Douay, which he reached on the 4th November, 1599. The reason given for his return was, that for the time being, teaching in Positive Theology was not to be had at Valladolid²⁸. But he seems to have fared little better at Douay, for after December 1599 his name disappears from the Douay College lists. Nicholas FitzJames and John Knight, who had been his companions on the journey from Valladolid, were tonsured the following year, the 4th August 1600, and ordained in April 1601. There is no mention of William

Southerne, and it may be presumed that he left Douay in the spring or early summer of 1600. The summary of his life, given in the Valladolid "Diary" but evidently written up some time after his death, states that after his admission to Valladolid he was sent to Seville. This is possibly an error for Douay, for there is clear evidence that he went to Douay from Valladolid; on the other hand he may have tried Seville as well.

Eventually he returned to Valladolid and was there made priest. The date of his ordination is not given, but it was probably in 1604²⁹. In 1605-06 he had entered upon his mission, and was in Northumberland, at Halton near Corbridge on Tyne. John Healy³⁰ "confesses that he hath been at many Masses with the said L. Carnaby his master, at his house at Halton, Northumberland, since Michaelmas last [1605]; which Masses were said, sometimes by Sicklemore³¹, the priest, sometimes by one Southern, a priest, and one by Fr. Holtby, a Jesuit."

Southerne was still in Northumberland about 1608, when he received a convert, Cuthbert Reyne³², and we may perhaps trace his hand in the arrangement made for the latter, who wished to enter the priesthood, to be educated in Poland. From Reyne's statement, made some years later, it may be deduced that the scene of the conversion was probably Dilston, also in Tyne-dale, the home of the Radcliffes³³.

In 1615 Southerne came under the observation of a spy. This was a creature of William James, the Bishop of Durham, and his reports³⁴, submitted to the Bishop and by him forwarded to the Archbishop of Canterbury, make interesting reading. The spy, Christopher Newkirk, was said to be a surgeon, of Polish nationality³⁵. His reports, which according to the Bishop were rendered *verbatim*, show little trace of foreign idiom, nevertheless he was able to impose upon Southerne who, it must be remembered, had spent several years in Poland.

Newkirk succeeded in making the acquaintance of Humfrey Clesbie³⁶, a Morpeth man, who held some position of *liaison* between the priests and the laity: their "Bedall" Newkirk termed him. It was possibly his business to notify people of the time and place of Mass. By means of Clesbie, Newkirk was introduced to Southerne and other Catholics. The spy was convinced, or appeared to be convinced, that the Catholics were plotting against the life of the King. Among those who had conspired at "Rawer³⁷" he named Mr. Southerne, William Ogle, Mr. Carter a priest, and Richard Ogle³⁸. Certainly these reports reveal that there was discontent among

the Catholics at the conduct of the King, who had broken the promises of toleration made them on his accession, and something of their hopes for a change in policy; but the disloyal speeches attributed to Mr. Southerne and others regarding the preparations for war and the thousands of men on the way to invade England, cannot be taken seriously. There is nothing in the diplomatic correspondence of the day, to support such allegations, and they can only have originated in Newkirk's imaginations, and in his wish to create a sensation. Nevertheless, he has one redeeming feature: he can tell a story. He can conjure up a vivid picture of the conditions under which a seminary priest lived and worked in Newcastle upon Tyne nearly three and a half centuries ago, and for this he has earned our gratitude. Let him speak for himself:—

“According³⁹ to my promise, to meet Humfrey Clesbie the 4 of August, at Morpeth, or else at Capheaton, I went to both places. There I was informed to find him at Newcastle in Pilgrim Street, at a widow's house called Mrs. Pynner, or at Mrs. Watson's. So I came home sore wearied, and not a little discontented of my wearisome travel night and day, and nothing the nearer for my business.

“The 5 of August Humfrey Clesbie came to my house in Gateshead. I entertained him friendly, asked him the cause of his absence. He told me I should stay at home, and he would tell me the cause of his not being at home, and I should go with him, but he would first give intelligence to the parties of my coming. So he came again about 3 hours later, bid me go with him, and he would show me the place of meeting.

“So we crossed the water from my house, and went over to Newcastle, and there he carried me to a widow's house on Sandhill, where a woman dwelleth, wearing daily on the working days a 4 corner cap, selling some small commodities in her shop, as Ropes, Red herrings and some salt fishes, and many small trifles.

“Then came a right fair young woman (I suppose her daughter) upon the stairs standing. Asked who was coming up Friends says Mr. Clesbie. So up we went another pair of stairs; on the right hand is his chamber.

“I coming into the chamber saluted Mr. Sutheran and finding nobody there but him alone. He bid me and Clesbie heartily welcome and presently went to a red chest, standing at the left hand in his chamber, where the hosts are in great

number in a painted box, books, paternosters or beads, he had many. So he bestowed an altar⁴⁰, 2 books and a pair of black beads on me. He told me it must be a great friend, that should come so far in his trust.

“Desired my name and country; I gave him satisfaction. He was glad of it, and told me that he had been in Lithuania, in the city of Vilna, in the Academy of the Jesuits in Sancti Johannis, where he received his priesthood. So I recompensed him and Clesbie for the benevolence, with silver and gold. So at last it was determined that I should come the next day to my Confession, so I promised to do, and did, and heard a Mass, in company of six persons, 3 women, Sutheran’s brother for one, who was Clerk to Mr. Sutheran, I myself for the 2nd, Clesbie the 3rd and a gentleman with a red head, whose name I do not know, the woman, the daughter in the house, and 2 women more, whose names I do not know⁴¹”.

“7 Aug. 1615⁴². Willm. Sutheran came to my house in Gateshead and enquired for me, what time I and my wife were at Durham; he said he had great occasion to speak with me, and he would come the next morning again.

“The 8th of August I came home from Durham. I enquired of my servants if anybody had asked for me. My maid told me, there had been a gent. the 7 of August about 9 of the clock at night inquiring for me, so incontinent I sent my maid to the place aforementioned, on the Sandhill, to entreat him to come unto me; so he sent me word he would be with me about 9 of the clock at night, and so he did.

“He coming to my house, I entertained him friendly with wine, pears, walnuts and east country gingerbread. He asked me What news at Durham. I told him none. Then he asked me if I had not heard of the prisoner, a dancer (taken by the sheriff, and brought to Durham to take his oath and confess the Supremacy of his Majesty, which he denied). And further he said that the said dancer had his maintenance from the Catholics.

“Then the said Sutheran told me, that he had had 2 priests at his coast house on Tuesday, the 8 of August, namely William Ogle for one, Mr. Rockwood⁴³ a Worcester-shire priest another, and himself was the third. And further told me that his Majesty was going a progress, to meet the Queen coming from the Bath. I told him that it was a pitiful case that he and I could not meet by day time, but by night; then he answered me again that it was but for a short time, for there would be a mighty alteration.

Entreated me, for God's sake, to restore him the old book which he gave me (which was the preparation to penance) for that there were 5 to be converted in Newcastle, and that book was the education to bring them to Confession.

"A sugar loaf (said he) shall serve the turn, to bring us at liberty. There is a good happy news forth of France, the King of Spain's Infant cometh into France with 20000 men, the Queen of France will aid him with 20000 more, Spiniola is in readiness with 20000 men. Now, what think you, how strong are we all, when are we all in readiness we with our Consorts are at least 20000 men. But there must first fall an apple from the tree, then the hurly-burly shall be everywhere.

"Now Mr. Sutheran is departed towards Hexam, and remaineth there some 6 days, with Mr. Rockwood and Wm. Ogle. Then they will return back again to widow Bungie's house, who weareth a square corner cap, in Newcastle upon Sandhill.

"Further Sutheran told me, that Mr. Swinburne of Capheaton was revolted, only because of fear, and that he had given dispensation to the said Swinburne by authority from his holiness so to do⁴⁴. And said, that the dancer now in prison, hath been a good member unto us, but he shall not want, for we priests gather for him.

"Then I said, How shall I do, I am like to incur such danger. Fye, fye, never take such care, said he, you are none of them that convert others, and you are a stranger, and nothing to lose but your goods, and if they banish you, you shall have our letters of preferment; if you be imprisoned, you shall be relieved.

"Then we broke up (being almost eleven of the clock), and I brought him home with a lantern to his lodging on the Sandhill . . . and so we parted, and I promised to send Sutheran his old book, which he desired."

Newkirk here names Capheaton as having housed Mr. Southerne. Elsewhere he mentions Hebburn-on-Tyne, which, being the home of the priest's relatives, the Hodgsons⁴⁵, was probably his "coast house." In fact, the entry "William Sotheron, servant to Robert Hodgson" in a list of the Papists of Hebburn in the year 1609, may refer to him⁴⁶. Both as kinsman and as priest he may have visited the Salvins at Croxdale, the Forcers at Harberhouse, and the Trollopps at Thornley. It has been stressed, however, that his mission lay chiefly among the poor, and it was probably in and around the Sandhill and in the many courts and "chares" which lay around the

castle and along the river bank, that the greater part of his apostolate was spent. "Your Grace may see," wrote the Bishop of Durham to the Archbishop of Canterbury at this time, "what flocking of Priests there are together, and that in Newcastle; a haven and walled town, wherein there was, within these few years, not one Recusant⁴⁷."

Newkirk's spying, which he pursued to other parts of the country, seems to have led to nothing, at least so far as William Southerne was concerned. For the next two and a half years he remained at liberty. During that time William James died and Richard Neile succeeded him as Bishop of Durham. Newkirk faded out of the picture, and this place was taken by an apostate priest, William Johnson, once of Valladolid.

William Johnson *alias* Wilson came of a decent Durham family. His father had been Bailiff to Bishop James, his brother a seminary priest of Douay, and he himself was a convert⁴⁸. He had been ordained and sent to England in 1603, and must, therefore, at Valladolid have been well acquainted with William Southerne. How he had come to turn informer, and by what motives activated, whether by fear, self-interest or family ties, it is impossible to say. All that we know of him in this connection comes from an item in the letter, already quoted, written to the Jesuit superiors at Rome, the 15th November, 1618, in which the various kinds of pursuivants are described. "The 9th kind," it says, "is William Johnson, a renegade priest. This man . . . denounced to the President all the places wherein he himself had been received and where other priests in the said northern parts have dealings. It was this man who betrayed the above mentioned priest in Newcastle."

The President, Edmund Lord Sheffield, had been in office since 1603, appointed by King James because, it was thought, owing to his Catholic connections (his wife was a Catholic⁴⁹) his appointment might serve to reconcile the Catholics to the King's failure to grant them toleration. The event proved very different. Sheffield was an arrogant, aggressive man, lacking in tact, heavily in debt, corrupt in financial dealings: a protégé of Buckingham, committed with him, at this time, to an anti-Spanish policy, which lent itself to severe repressive measures against the Recusants, so much so that now, when violent death had robbed him of five sons, it was whispered that a just retribution was overtaking him⁵⁰. During the years of his Presidency, the Catholics in the northern parts suffered greatly, not only from violence, but from injustice and extortion. They were exposed to the mercy of a host of official and semi-official agents who reaped fortunes out of the business of farming Recusants'

lands, collecting monies forfeited for Recusancy and by the opportunities afforded for bribery and corrupt dealing. One of the most notorious of these was a servant of Sheffield's, Dales by name, credited with more than one murder and other acts of violence. It was to this man that William Johnson came, to enlist aid in the capture of Southerne. The priest was arrested on the highway, and brought before the President.

The Assizes and Gaol Delivery opened at Newcastle upon Tyne on Monday, April 20th. At the outset the King's Commission for restoring peace upon the Borders was read and delivered to the Commissioners, members of whom on this occasion formed the Grand Jury. Four days later, the Commissioners, still at Newcastle, addressed a letter to the Privy Council⁵¹, expressing their appreciation of His Majesty's concern for their welfare, and their gratitude for "the honorable and religious Magistrate of experience and sincerity in judgement" appointed to preside over the Commission, Lord Sheffield. By that time, it would seem, the Assizes were over; and on or about that day⁵², "by a private session" William Southerne was condemned to death.

A private session: does this mean a session held *in camera*, the public being excluded? or a special session, possibly with a packed jury, held after the court had been dismissed? Whatever it was, Sheffield was the ruling spirit, and Sheffield was afterwards held responsible, both for the arraignment and the execution.

The counts against the priest were two: he refused to take the Oath of Allegiance and he refused, under oath, to admit his priesthood, i.e. to contribute to his own death. He was thereupon found guilty of high treason and sentenced, in the usual formula, to be hanged, drawn and quartered. When sentence was pronounced, Mr. Southerne fell upon his knees, thanking God. For him, we know, the thought of martyrdom was no new thing. It had been with him in his college days. He must have had it in mind when he was trying to comfort Newkirk, his would-be betrayer: "Fye, fye . . . you are none of them that convert others . . . You have nothing to lose but your goods . . ."

He was taken away, and confined in a dungeon, either in the castle or in the Newgate prison⁵³. There he lay, awaiting the summons, for six days, during which the authorities sought vainly for an executioner. One at length was procured, and on Thursday, the 30th April, William Southerne entered into his reward. After the usual barbarous rites, his head was carried on a spear and fixed above one of the city gates.

and there the people came flocking, to gaze with wonder at the smile upon his face⁵⁴.

King James was negotiating a treaty of marriage between Prince Charles and the Infanta Maria, and prepared to meet the demand of the Spanish king that some undertaking should be given to grant toleration to the Catholics in England. Gondomar, the Spanish Ambassador, was on the point of leaving for Spain with the proposals, when the news that, by the blunder of an official, a priest had been summarily convicted and executed, threatened to upset the whole transaction.

James did what he could, protested his innocence, undertook to dismiss Sheffield, (and did so, a few months later); finally, gave orders that every priest then held in an English prison, (over seventy of them are listed by name⁵⁵), should be released and handed over to the Ambassador. When Gondomar rode down to Dover in July, he was followed by a train numbering, it was said, nearly a hundred priests.

A few months later, Sir John Digby was writing from Spain⁵⁶ that many of those so released had returned to England. He begged "that his Majesty will be graciously pleased to suspend the execution of these Priests . . . it will avoid a great distraction to the Business in hand, especially when this suspension is desired but for a short time . . ."

A short time, a brief breathing-space was what Ven. William Southerne had helped to win. Not for ten years was a priest put to death in England.

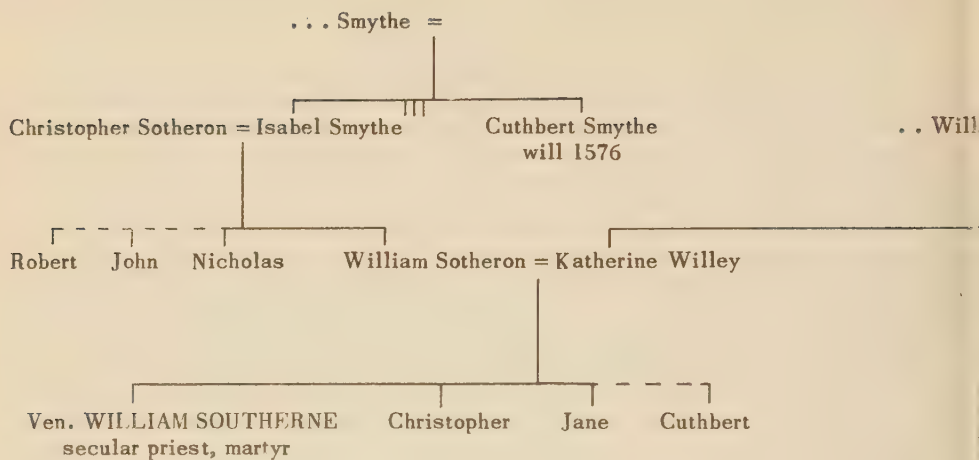
NOTES

1. The Oath repudiated the deposing power of the Pope, terming it "heretical and damnable."
2. Challoner, and others following him: the "*Cause of the Ven. English Martyrs, 1929*:" Fr. Newdigate, "*Our Martyrs*" (C.T.S.)
3. P.R.O. 31. 9/122 A. fol. 115, 116. (Transcripts from the Borghese MSS in the Vatican.) In Italian.
4. A. Newburne (Blacknell) to the Jesuit General. Stonyhurst *Anglia*, iv, 52.
5. P.R.O. 37. 12/17. (Simancas transcript, 2598, fol. 81) In Spanish.

6. Arch. Rom. S.J. 52, I, 36. In Italian. Cf. Foley, *Records*, III, pp. 120-122.
7. S.P. 14. 97/36.
8. Sheffield's letter, 8 May, reporting that he has held the Gaol Delivery, S.P. 14. 97/65: date of opening mentioned in a letter of the Commissioners, S.P. 14. 97/72.
9. Chalcedon (Catalogue) gives 26th, Raissius 30th April, as the date of martyrdom. The 26th was a Sunday, therefore the 30th is more probably correct.
10. Knaresborough MSS., consisting of his fair copy of "The Sufferings of Catholics" and his "Foul Draughtes" for same. I am indebted to Fr. Hugh Aveling O.S.B. for these extracts relating to Ven. William Southerne.
11. The text of Raissius is as folloes: "Trigesimo Aprilis. Ex certa relatione / etc. / Juxta Novum-Castrum passio Guilielmi Sowtherne Sacerdotis. Is in Anglia postquam in convertendis vel juvandis hominibus maxime pauperibus navasset opera, a judicis Eboracensis satellibus comprehensus est. Cum neque sub juramento asserere vellet Regem legitime ad regni fastigium erectum esse, ac seipsum Sacerdotem esse; reum mortis judicio condemnauerunt. Mortis audita sententia Martyr submissis in terram genibus Deo gratias ingentes egit; et exinde per sex dies integros tetro carceris specu detentus est, quod ad manum nullus reperiretur carnifex. Ubi e scala deturbatus est, ejus praecisum caput in militis hastam ad portam civitatis, perduellionis more, suspensum est, quod spectantibus multis, iisdem fide dignissimis, per aliquot dies aridire visum est." Challoner's account is an almost literal rendering of this: cf. *Memoirs*, 1924 ed. pp.358-9.
12. Note that in two of the accounts quoted above, William Southerne was arrested *on the highway*. Raissius is silent on this point.
13. C.R.S. 30, p.133, and Foley, VIII, p. 721. His *alias*, Smith, suggests that he was a relative of the martyr.
14. The correct name appears to be Sotheron, but there are many variants, Sutheran, Southren, Southerne, Sutherne, Sudren, Sutheridge. Throughout the present account the form *Southerne* has been retained in connection with the martyr himself (as being that under which he is best known), except in quotations.
15. Christopher Sotheron had interests in Holland: his son Nicholas was born there. Cf. S.P. 63. 158/26.
16. Surtees Society, vol. 112, p. 76, and Surtees, *Durham*, vol. II, p. 339.
17. Named in Chalcedon's Catalogue as the martyr's birth-place.
18. Surtees, *Durham*, vol. IV, i, p.5.
19. Will of William Hodgson, Welford, *Newcastle*, vol. III, p. 130. The fourth child may have been the Cuthbert Sotherne *alias* Sutton of Hebburn, convicted of recusancy 1606/7, (Recusant Roll, E. 377/16).
20. E. 377/9.
21. This and other dates are calculated from the statement made by William Southerne on entering Valladolid.
22. S.P. 14. 81/54 iv. quoted below.
23. Pastor, vols. XX, p. 398, XXIV, p. 123.
24. The details regarding this incident are to be found in S.P. 15, 32/15, 15 i, ii, iii: S.P. 12. 238/143, 147, 148: S.P. 63, 158/26.
25. Mabel, daughter of Sir Anthony Browne of Cowdrey, and widow of the 11th Earl of

Kildare.

26. Robert Smythe *vere* Sotheron, and John his brother, were already at Maynooth. The relationship to Sir William Holles (son of a Lord Mayor of London) has not been traced.
27. C.R.S. 30, p. 51.
28. C.R.S. 10, p. 9.
29. He is not among those sent out in 1602, 1603 or 1605. The list for 1604 is lacking.
30. S.P. 14. 20/45, and Foley, III, p. 8. Lancelot Carnaby had been recusant for the two years previous to 1606, at which time he was under suspicion of Complicity in the Gunpowder Plot. He probably took the Oath before 1611.
31. Mr. Sicklemore was in custody at the time. Cf. S.P. 14, 19/2.
32. Foley, III, p. 114, and VI, p. 268.
33. Sir Francis Radcliffe best answers the description of "a noble Catholic lord" who was Reyne's protector.
34. S.P. 14. 81/54, 54 i, ii, iii, iv. S.P. 14. 81/58, 58 i.
35. Possibly the person referred to in the Municipal Accounts of Newcastle upon Tyne, July 1593, "paid and geven in rewarde to a Pollonyan fission lyinge in Newgate suspecte for relygion, 40s." (Richardson, *Reprints*, Hist, vol. III)
36. Convicted, with Jane his wife, as of Morpeth, in 1606. (E. 377/14).
37. This place has not been identified, but from the context was probably in the north of England.
38. The Ogles were related to William Southerne through the Hodgsons, (see Table of Relationships). Wm. Ogle had been ordained in 1598. (C.R.S. 10, p. 318). Mr. Carter was presumably the Thomas Carter ordained at Douay in 1608 and sent to England in 1610, (Knox, *Douay Diaries*, I, pp. 19, 34).
39. S.P. 14. 54 iv. spelling modernised.
40. In his covering letter (S.P. 14. 81/54) the bishop describes the altar as being "in a fair table, as it were . . . at the top whereof Christ is painted, at the bottom Christ sitteth preaching and distributing . . . On either side . . . such parcels of Scripture and prayers as it seemeth they use now at their Masses . . ." The books were (1) "a manual of godly prayers and litanies . . . a brief form of confession, and order to help at Mass, printed at Douay for John Heigham this 1615 . . . a new printing," and (2) a "short treatise of the sacrament of penance."
41. This was a Sunday congregation!
42. S.P. 14. 81/58 i.
43. Possibly one of the Rookwoods of Euston, Suffolk, of whom there were at this time two priests, Christopher, ordained at Valladolid 1602 (cf. C.R.S. 30, p. 46 f.n.), and Robert S.J. ordained in Rome 1604. (Foley, III, p. 788). Their brother Henry, living in 1602, was also a priest. But the Rockwood in question was said to be a Worcestershire priest.
44. Newkirk makes the same curious statement with regard to Mr. Carter and Sir Thomas Blakiston. Possibly both priests were referring to a faculty granted to absolve from schism, and the spy, either through ignorance or intent, misquoted them.
45. A wealthy and influential family on Tyneside, with numerous Catholic connections. Wm. Southerne and Wm. Ogle were equally related, through their Hodgson grandmothers.



Sir Robert Hodgson = Frances Ingleby

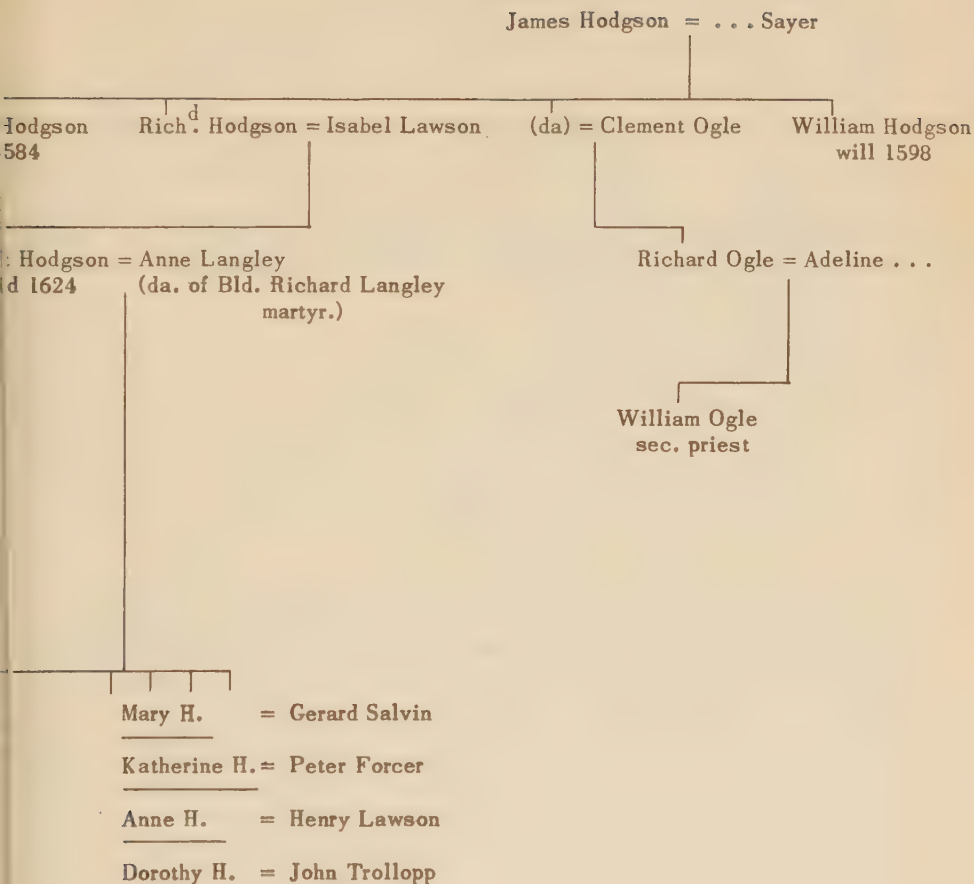
William Hodgson = Margaret Haggerston

John H.

Edmond H.

} sec
pri

Table of Relationships



(See Table).

46. Presentment of the Curate and Churchwardens of Jarrow, 1609, MSS. Prior's Kitchen, Durham (by courtesy of Dr. Conway Davies).
The entry might refer to either the priest or his father, who was living as late as 1607, when again convicted, with his wife. (E. 377/16).
47. S.P. 14. 81/58.
48. C.R.S. 30, pp. 46 f.n., 63.
49. Ursula, daughter of Sir Wm. Tyrwhitt of Kettleby, Lincs. They were married with Catholic rites. Cf. S.P. 12. 165/28, and R.P. Tyrwhitt, *Family of Tyrwhitt*, p. 28.
50. R.R. Reid, *The King's Council in the North*, pp. 372 *et seq.* 387 *et seq.*
51. S.P. 14. 97/37.
52. Assuming April 30th to be the correct date of martyrdom: see note 9.
53. The County and City gaols respectively.
54. Details given by Raissius; cf. note 11.
55. S.P. 14. 97/95.
56. 1 Dec. 1618: S.P. 94, 23, fol. 80.

Corrigendum

- Note 26. Delete: "The relationship to Sir William Holles . . . has not been traced".
Insert: "Gervase, son of Sir William Holles, one time Lord Mayor of London, and Cuthbert Smythe of Esh, cousin to Isabel Sotheron, had both married Freshvilles of Staveley, Derby".

VENERABLE JOHN TALBOT: SOME GENEALOGICAL NOTES

By HUGH BOWLER, O.S.B.

[Supplement to: "EXCHEQUER DOSSIERS: I.
JOHN TALBOT," in BIOGRAPHICAL STUDIES
Vol. 2 No. 1, pp. 4-22.]

His Father's Will

The will of this martyr's father (John Talbot of Thorntonle Street, N.R. Yorks), to which reference has been made in a former article in this journal (Vol. II, p. 16), is printed in Surtees Soc., Vol. II; *Wills and Inventories*, pp. 369-371 (No. CLXXX)¹.

Dated 2 February, 1572/3, it was proved at Durham. The testator mentions his wife Alice, his sons Roger and Thomas², his daughters Dorothy and Mary (both minors and unmarried), and another daughter Jane Barker, but makes no reference whatever to the two sons who later proved such staunch recusants—John (the future martyr) and Richard. Nor is the South Otterington property mentioned: evidently John had already been provided for by a grant of lands here prior to his father's death—possibly at the time of his marriage. A "John Talbot" (presumably this son) was one of the witnesses to the will.

Printed sources

Although the family of Talbot of Thornton-le-Street is not unknown to genealogists and local historians³, it is a striking fact that the existence of the martyr is nowhere mentioned. This is doubtless due, chiefly, to the deliberate suppression of his name in the original visitation pedigrees. However, thanks to the genealogical facts clearly stated in the Exchequer Memorandum of 1601 (cf. *Biographical Studies* II 13), we are now in a position to rectify and expand the published pedigree of the family and to give the martyr his rightful place within it. But first a word regarding the findings of these heralds' visitations.

Apparently, it was at the visitation of Yorkshire by Richard St. George in 1612 that the first pedigree of the family was entered⁴. The next was produced at Dugdale's visitation in 1666. Both are in print. The former has been edited by Foster⁵: the latter (see text in Surtees Soc., Vol. 36, p. 236 seq.) by Foster⁶ and by J.W. Clay, who gives a synthesis of the two versions and incorporates the fruit of some later research⁷.

The pedigree of 1612 is of particular importance, in that being nearly contemporary with the martyr, it was witnessed and signed by no other than Richard, his brother⁸. It is odd, therefore, that Dugdale, in the portion of the pedigree which concerns us, should have ignored the work of his predecessor, the reliability of which can hardly be open to question. Dugdale here actually skips a generation (a fact noted by Clay) and makes Roger, Thomas and Richard Talbot the sons of their grandfather. Furthermore, he adds another brother, "Anthony Talbot", describing him as "son and heir, who died at the Inner Temple, unmarried".

The most interesting fact of all, however, is that although the 1612 version excludes the name of the martyr¹⁰, it quite clearly indicates that the third son of this generation has been omitted, for Thomas is described as "2nd son" and Richard as "4th son". Since the evidence of Richard must be regarded as trustworthy in the matter of the identity of his parents and the number of his brothers, we may therefore confidently place the martyr as the third son of John Talbot of Thornton-le-Street and of Alice Walker of Bedale, his wife.

In revising, below, the relevant part of the pedigree, I have given full value to the 1612 text, incorporating Clay's editing of Dugdale (where this does not seem to conflict with the earlier version) and including Clay's "Additions". Other emendations, required by the new data to hand, are inserted with footnote references.

Pedigree

Arms: Argent, three lions rampant purpure armed gules (Foster).

- I *John Talbot* (3rd son of Sir Thomas Talbot Knt., of Bashall, Lancs.¹¹), Lord (*jure uxoris*) of the manor of Hymsworth (Hemsworth, W.R. Yorks.); purchased the manor of Thornton-le-Street and lands in South Otterington; died before 1540 (31 H.VIII): mar. Isabella Wortley, da. & h. of Sir Thos. Wortley, knt. . . They had issue:-
 - Nicholas (of Hymsworth)
 - John (II)
 - Anthony
 - Roger
- II *John Talbot*, 2nd. son, had the manor of Thornton-le-Street and lands in Otterington with the advowson of the latter church by gift of his father, 31 H.VIII (1539-40), died 4 Mariae R. (1556-7), buried in Thornton church; mar. Elizabeth, da. of Will. Lambert of Oulton in the Bishopric of Durham, by Eliz., sister of Thomas Tempest of the Bishopric of Durham, Knt., widow of . . . Wethereld of

Thorpefield. They had issue:-

John (III)

Robert

Richard, o.s.p.

[¹² John Talbot, of Thornton-le-Street, died 8 Feb., 1572/3¹³; mar. Alice, da. of . . . Walker of Bedale. They had issue:-

1. Roger (IV)

2. Thomas, "2nd son", had lands in Otterington by gift of his father; will 20 Feb., 1608/9, proved at York 22 April, 1615: mar., first, Clare, da. of Robert Bierley of Pickhill. They had issue:-

Anthony, o.s.p.

Clare, mar. James Greene of Newsam.

Jane, mar. Thomas Tayte (or Tayrte) of Huby (lic. 1591).

Mar., secondly, Elizabeth, da. of Oswald Dent of York. They had issue:-

John, son & heir, aet. twenty-one in 1612¹⁴.

Dorothy, mar., first, William Deyvill of Angram; secondly, Thomas Danby of Leake (lic. 1614).

3. JOHN (martyr) of Skelton¹⁵, South Otterington and Thornton-le Street; executed Durham, c. 8 September, 1600: mar. Ann . . .¹⁶. No male heir.

4. Richard, "4th son", of Woodend¹⁷, died 1635, buried in church of Thornton-le-Street; mar. Isabel, da. of George Brathwaite of Gawhagg (or Gawthey), Co. York. They had issue:-

John, son & heir, aet. twenty-five in 1612¹⁸.

George

Ann

Elizabeth

Winifred

5. Ann, in 1612 wife of Anthony Bierley of Pickhill¹⁹, son of Robert Bierley. They had issue:-

Christopher, of Midridge Grange, Co. Pal. Durham, aet. thirty-seven in 1612, died 7 March, 1640.

Robert, o.s.p.

John, o.s.p.

Thomas, o.s.p.

6. Jane, in 1573 wife of . . . Barker (father's will).

7. Dorothy, unmarried in 1573 (father's will).

8. Mary, unmarried in 1573 (father's will).

IV *Roger Talbot*, of Thornton-le-Street, died 1599 (41 Eliz.)²⁰, buried in Thornton church; mar. Catherine, da. of William Bate of Dighton, by Elizabeth, da. of Leonard Warcop of Tanfield. Catherine died 1620, buried in Thornton church. They had issue:-

1. John, son & heir²¹, of Thornton-le-Street, buried 12 May, 1643 in Thornton church; mar. Frances, da. of John Crosland of Hemsley (Helmsley), Yorks., by Elizabeth, da. of George Clapham of Beamsley. They had issue:-

John, bapt. 11 Dec., 1601, bur. at Thornton 17 Mar., 1659/60. Col. in King's army²²; mar. Jane, da. of Roger Sotheby.

Charles (eldest son: unmarried)

Mary

Jane

2. William, of Knayton
3. Michael, of Danby Wiske
4. Thomas

NOTES

1. Discovered by Dom Hugh Aveling, O.S.B. To him, and to Dr. A.M.C. Forster, I am greatly indebted for assistance throughout this article.
2. To Roger is assigned the manor of Thornton-le-Street. Upon the death of Alice, Roger (with his brother, Thomas) receives also the reversion of all his father's lands and tenements in "Dalton Norrice otherwise called Dalton in the gales" (? 5 m. N.W. of Richmond).
3. Cf. *Victoria County History* (North Riding), Vol. I, pp. 455 ff. (Thornton-le-Street) and Vol. 2, pp. 50-51 (South Otterington).
4. The family does not occur in the records of the preceding herald's visitation of Yorkshire, carried out by Robert Glover in 1584-5.
5. *Visitations of Yorkshire: Robert Glover 1584-5, and Richard St. George 1612* (privately printed for J. Foster, 1875).
6. *Pedigrees of the County Families of Yorkshire: West Riding*, Vol. I.
7. *Dugdale's Visitation of Yorkshire, with Additions*. Vol. III, p. 8. (cf. *The Genealogist*: New Series Vol. 23, p. 227 seq.).
8. The original note runs: "Richard Talbott, for John Talbott of Thornton-le-Street and John Talbott of South Otterington". These were his nephews, the sons of Roger and

Thomas respectively.

Possibly to be identified with the eldest son of Thomas. There is no reference to an Anthony Talbot among the contemporary records of the Inner Temple, so the Librarian assures me.

The circumstances of his death would have provided an adequate reason for this.

"... The Talbot so much fear'd abroad

That with his name the mothers still their babes". *Henry VI*, Act 2, Scene 3.

This generation is omitted by Dugdale.

Ch. Inquisition-post-mortem (cf. *Biographical Studies*, Vol. II, p. 16).

Clay's text here adds the words: "signed the Visitation" (presumably that of 1612).

The original note, however, as given by Foster (see footnote (8) above), seems to imply that Richard Talbot was the only actual signatory.

Unidentified. Bartholomew gives five parishes and one hamlet called Skelton in Yorkshire. The most promising means of ascertainment, apart from local records would seem to be the parochial returns of recusants in the diocesan visitation books, 1570-90, (Yorks Diocesan Registry). Skelton 4 m. N.W. of Boroughbridge (W.R.) should be examined first, as being nearest to Thornton-le-Street.

The parentage of Ann still eludes us. One may note here that a conviction for recusancy, covering a period of 7 months from 3 July 1587, against "John Talbotte, lately of Ottrington, gent." and "Elizabeth" his wife, has recently come to light (Exannual Roll of Recusants. P.R.O.: E. 363/9, rot. 11v.). There is clearly a clerical error here regarding the Christian name of either the husband or the wife. Elizabeth was the name of the second wife of Thomas, the martyr's brother. Both families were connected with South Ottrington.

Wood End, the home of Richard Talbot, was not in the parish of South Ottrington (as stated in *Biographical Studies*, II, p. 146, note (9): an error for which the present writer is responsible), but in that of Thornton-le-Street. This is clearly implied in the returns of recusants in 1611, 1614 and 1616, printed by The North Riding Record Society (Quarter Session, Vols. II and III). He is also listed under Thornton-le-Street in 1604, as a "poore gentleman" (E. Peacock: *The Yorkshire Papists*). His property in S. Ottrington, seized in 1597 by reason of his recusancy, remained in the hands of the Crown until after his death in 1635—a fact which proves his unswerving adherence to the Faith. On 22 August, 1632, he was allowed to compound for it at a rate of £10 per annum (Recusant Roll: E. 377/49 (1641)).

The 1614 return gives the approximate ages of this family, describing Richard and his wife as "aged 50", "recusants for 20 years"; the sons, John "aged 23" and George "aged 22", as "recusants for 4 years"; the daughters, Ann and Elizabeth, as "spinsters, recusants for 12 months". Winifred, the youngest child, is added in the 1616 return. The age at which a person became liable to a conviction for this offence was 16 years.

Cf. pedigree of Byerley of Midridge Grange (Foster: *Durham Visitation Pedigrees* (1887), and Surtees: *Durham*, Vol. III, p. 313). Cf. also *Biographical Studies*, ii, p. 14.

Dugdale's "31 Eliz." is probably a blunder for "41 Eliz.". Roger was alive in 1594, and appears to have died sometime before his brother's execution in Sept. 1600 (cf. *Biographical Studies*, ii, p. 7, and p. 22, note (37)).

21. Cf. *Biographical Studies*, ii, p. 13 seq.
22. Cf. Yorks. Archaeological Soc., Vol. XVIII; *Royalist Composition Papers*, No. 133